

# CLEARY GOTTlieb STEEN & HAMILTON LLP

One Liberty Plaza  
New York, NY 10006-1470

T: +1 212 225 2000

F: +1 212 225 3999

clearygottlieb.com

## AMERICAS

NEW YORK  
SAN FRANCISCO  
SÃO PAULO  
SILICON VALLEY  
WASHINGTON, D.C.

## ASIA

BEIJING  
HONG KONG  
SEOUL

## EUROPE & MIDDLE EAST

ABU DHABI  
BRUSSELS  
COLOGNE  
FRANKFURT  
LONDON  
MILAN  
PARIS  
ROME

CRAIG B. BROD  
RICHARD J. COOPER  
JEFFREYS S. LEWIS  
PAUL J. SHIM  
STEVEN L. WILNER  
DAVID C. LOPEZ  
MICHAEL A. GERSTENZANG  
LEV L. DASSIN  
JORGE U. JUANTORENA  
MICHAEL D. WEINBERGER  
DAVID LEINWAND  
JEFFREY A. ROSENTHAL  
MICHAEL D. DAYAN  
CARMINO D. BOCCUZZI, JR.  
JEFFREY D. KAPFF  
FRANCISCO L. CESTERO  
FRANCESCA L. ODELL  
WILLIAM L. MCRAE  
JASON FACTOR  
JOHN H. KIM  
MARGARET S. PEONIS  
LISA M. SCHWEITZER  
JUAN G. GIRÁLDEZ  
DUANE MCLAUGHLIN  
CHANTAL E. KORDULA  
BENET J. O'REILLY  
ADAM E. FLEISHER  
SEAN A. O'NEAL  
GLENN P. MCGRORY  
DEBORAH NORTH  
MATTHEW P. SALERNO  
MICHAEL J. ALBANO  
VICTOR L. HOU

ROGER A. COOPER  
LILLIAN TSU  
AMY R. SHAPIRO  
JENNIFER KENNEDY PARK  
ELIZABETH LENAS  
LUKE A. BAREFOOT  
JONATHAN S. KOLODNER  
DANIEL LIAN  
MEYER H. FEDIDA  
ADRIAN R. LEPSIC  
ELIZABETH VICENS  
ADAM J. BRENNEMAN  
ARI D. MACKINNON  
JAMES E. LANGSTON  
JARED GERBER  
RISHI ZUTSHI  
JANE VANLARE  
AUDRY X. CASUSOL  
ELIZABETH DYER  
DAVID H. HERRINGTON  
KIMBERLY R. SPOERRI  
AARON J. MEYERS  
DANIEL C. REYNOLDS  
ABENA A. MAINOO  
HUGH C. CONROY, JR.  
JOHN A. KUPIEC  
JOSEPH LANZKRON  
MAURICE R. GINDI  
KATHERINE R. REAVES  
RAHUL MUKHI  
ELANA S. BRONSON  
MANUEL SILVA  
KYLE A. HARRIS

LINA BENSMAN  
ARON M. ZUCKERMAN  
KENNETH S. BLAZEJEWSKI  
MARK E. MCDONALD  
F. JAMAL FULTON  
PAUL V. IMPERATORE  
CLAYTON SIMMONS  
CHARLES W. ALLEN  
JULIA L. PETTY  
HELENA K. GRANNIS  
SUSANNA E. PARKER  
THOMAS S. KESSLER  
RESIDENT PARTNERS  
JUDITH KASSEL  
PENELOPE L. CHRISTOPHOROU  
BOAZ S. MORAG  
HEIDE H. ILGENFRITZ  
ANDREW WEAVER  
JOHN V. HARRISON  
MATTHEW BRIGHAM  
EMILIO MINVIELLE  
LAURA BAGARELLA  
JONATHAN D.W. GIFFORD  
DAVID W.S. YUDIN  
KARA A. HAILEY  
ANNA KOGAN  
BRANDON M. HAMMER  
BRIAN J. MORRIS  
CARINA S. WALLANCE  
ALEXANDER JANGHORBANI  
RESIDENT COUNSEL

D: +1 212 225 2086  
jrosenthal@cgsh.com

## VIA ECF

February 23, 2023

The Honorable Ona T. Wang  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *In re Application of Vale S.A. et al.*, No. 20-mc-199-JGK-OTW

Dear Judge Wang:

In accordance with Sections III.D and IV of Your Honor's Individual Practices in Civil Cases, Petitioners Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, "Vale"), submit this letter motion seeking permission to redact and file certain documents under seal. Vale respectfully requests to redact the highlighted portion of its letter dated February 23, 2023, and to file Exhibit A to that letter under seal. To be clear, Vale does not take the position that Exhibit A is confidential nor that filing it under seal is appropriate.

To facilitate the provision of confidential materials between Vale and Respondents in the above-captioned action, the parties entered into a protective order, which was filed and so-ordered by Your Honor on October 7, 2020, ECF No. 69 ("Protective Order"). Pursuant to the Protective Order, Vale is therefore required to file Exhibit A under seal. In seeking this relief, Vale does not waive its objection to whether such confidentiality designations are properly made and HFZ's failure to abide by the narrow definition of confidentiality in the Protective Order.<sup>1</sup>

<sup>1</sup> The Protective Order states that counsel may designate information confidential if it determines "in good faith, that such designation is necessary to protect the interests of the client in information that is proprietary, a trade secret or otherwise sensitive non-public information." ECF No. 69. HFZ has instead blanket designated all documents produced as confidential.

Vale reserves its right to object to the designation of Confidential and For Attorneys' or Experts' Eyes Only information, including the designation of the information contained in Exhibit A.

For the foregoing reasons, Vale requests that the Court permit Vale to file the above referenced Exhibit under seal.

Thank you for Your Honor's consideration.

Respectfully submitted,

Jeffrey A. Rosenthal

Jeffrey A. Rosenthal  
jrosenthal@cgsh.com

Lisa Vicens  
evicens@cgsh.com

CLEARY GOTTlieb STEEN & HAMILTON LLP  
One Liberty Plaza  
New York, New York 10006  
T: 212-225-2000  
F: 212-225-3999

*Counsel for Vale S.A., Vale Holdings B.V., and Vale International S.A.*